IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

Bail Appl..No. 6028 of 2007()

[CRIME NO.475/2007 OF TANUR POLICE STATION]

: PETITIONERS/ACCUSED

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1. ASKAR, S/O ABDULLAKUTTY, AGED 22 YEARS,
   KAMALINTE PURAKKAL, TANUR POST,
   MALAPPURAM DISTRICT.

2. SHIHAB, S/O ABDULLAKUTTY,
   AGED 17 YEARS(MINOR), REPRESENTED BY HIS FATHER
   ABDULLAKUTTY, KAMALINTEPURAKKAL,
   TANUR POST, MALAPPURAM DISTRICT.

BY ADV. SRI.K.P.SUDHEER

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.
REPRESENTING SUB INSPECTOR OF POLICE,
TANUR POLICE STATION.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No. 6028 of 2007

Dated this the 9th day of October 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 1 and 2. Altogether there are three accused persons. They face allegations in a crime under Section 308 I.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the allegations are totally false. The second petitioner is a minor/juvenile. The allegations against the petitioners is that they along with another mounted an attack on the de facto complainant. He was allegedly attacked with a knife.

3. The learned counsel for the petitioners submits that the petitioners are innocent. The second petitioner is a minor. The real incident did not take place in the manner alleged by the de facto complainant. There is a counter case registered as crime No.476/2007. There was a dispute between the parties about misuse of the water chal by the de facto complainant. The de facto complainant and the accused are neighbours. There was push and pull consequent to the said dispute between the

father of the petitioners and the de facto complainant. The de facto complainant had fallen and suffered the injury. False, frivolous and vexatious allegations are now being raised against the petitioners and others. It is prayed that anticipatory bail may be granted to the petitioners.

4. The learned Public Prosecutor does not oppose the application. Both case diaries are made available for the perusal of the court. Having considered all the relevant inputs, I am satisfied that anticipatory bail can be granted to the petitioners. In the absence of opposition, it is unnecessary to advert to facts in any greater detail.

5. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Judicial First Class Magistrate Court, Parappanangady at 11 a.m on 16/10/2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3 p.m on 17/10/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 16/10/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 16/10/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007